

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Minnetonka Moccasin Co.,
a Minnesota corporation,

Civil Action 05-CV-103 JMR/ FLN

Plaintiff,

v.

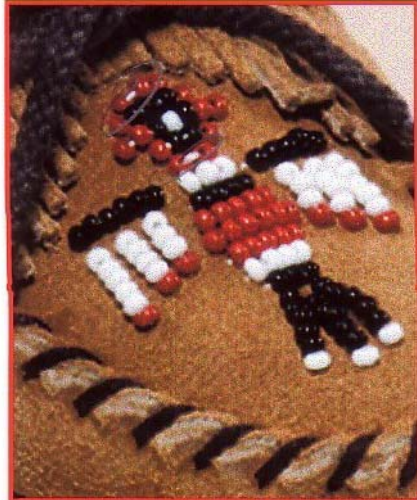
Red Hot Footwear Corporation,
a California corporation,

Defendant.

CONSENT JUDGMENT AGAINST RED HOT FOOTWEAR CORPORATION

Upon consent of Plaintiff Minnetonka Moccasin Co. (“MMC”) and Defendant Red Hot Footwear Corporation, the Court being advised in the premises, it is hereby ordered, adjudged and decreed as follows, and the Court makes the following Findings of Fact and Conclusions of Law:

1. The Court has jurisdiction over Defendant Red Hot Footwear Corporation and the subject matter.
2. MMC has been a leader in the moccasin industry since the 1950s. In addition to moccasins, MMC sells shoes, sandals, slippers and hats. In the 1950s, MMC created, developed, and began using a bead design in the form of a stylized bird (the “THUNDERBIRD Design”) to adorn its moccasins and other products. A representative sample of MMC moccasins bearing the THUNDERBIRD Design appears below:



3. For the last 50 years, MMC has continuously used the THUNDERBIRD mark and has invested considerable effort and money in promoting its products under the mark.
4. MMC has carefully controlled the public's perception of the nature and quality of the products associated with its trademark.
5. After more than 50 years of continuous use, consumers and industry professionals alike recognize products that bear the THUNDERBIRD mark as MMC's products. One of the hallmarks of the products is quality.
6. The THUNDERBIRD Trademark is an extremely valuable asset for MMC. Indeed, it has become even more valuable to MMC in recent years as MMC's moccasins, particularly those bearing the THUNDERBIRD Mark, have become increasingly fashionable.
7. The THUNDERBIRD Mark is inherently distinctive and has become associated exclusively with Minnetonka Moccasin in the footwear industry.
8. Defendant Red Hot Footwear Corporation is a corporation who markets moccasins and similar goods.

9. Red Hot Footwear Corporation has agreed to immediately refrain from selling, manufacturing, distributing or promoting any moccasin bearing a beaded design that is confusingly similar to Minnetonka Moccasin's Thunderbird trademark.

10. Accordingly, Red Hot Footwear Corporation and all persons in active concert with it are hereby permanently enjoined from selling, manufacturing, distributing or promoting any footwear that bears a beaded design that is confusingly similar to Minnetonka Moccasin's Thunderbird trademark.

APPROVED:

Dated: March 14, 2005

s/ James R. Mayer
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ATTORNEYS FOR PLAINTIFF

Dated: March 14, 2005

s/ Marianne Settano
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ATTORNEY FOR DEFENDANT

SO ORDERED:

Dated: March 17, 2005

s/ JAMES M. ROSENBAUM
The Honorable James M. Rosenbaum
United States Chief District Judge